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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,001	08/22/2003	Cosmo Castaldo	0267-1931CIP	1112

7590 08/11/2004
GREENBERG TRAURIG, LLP
885 Third Avenue
New York, NY 10022

EXAMINER

GILMAN, ALEXANDER

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/647,001	CASTALDO ET AL.	
	Examiner	Art Unit	
	Alexander D Gilman	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) 2,13 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/23/04:09/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the respective claims 1, 2-5, 9, , 7, 8, 10 of U.S. Patent No. 6,605,639 in view of Gladura.

U.S. Patent No. 6,605,639 discloses all of the limitations except for the first and second body portions secured together by a snap fastening arrangement comprising a first hook fastener and a second hook fastener where the first hook fastener has an opening through which the electrical wire passes.

Gladura et al (US 5,378,169) disclose (Fig. 5) a snap fastening arrangement comprising a first hook fastener (24, 24) and a second hook fastener (25, 25) where the first hook fastener has an opening (between 24) through which the electrical wire passes.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide U.S. Patent No. 6,605,639 with a snap fastening arrangement, as taught by Gladura. et al , to expedite securing the first and second portions.

Claims 12, 14-22, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the respective claims 11, 12-21, 12 of U.S. Patent No. 6,605,639 in view of Siemon.

U.S. Patent No. 6,605,639 discloses all of the limitations except for a first hook fastener and s second hook fastener.

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Siemon (US 4,759,723) discloses a first hook fastener and a second hook fastener.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide U.S. Patent No. 6,605,639 with a snap fastening arrangement, as taught by Simeon al , to expedite securing the first and second portions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,605,639 in view of Gladura et al

U.S. Patent No. 6,605,639 discloses all of the limitations except for the first and second body portions secured together by a snap fastening arrangement comprising a first hook fastener and a second hook fastener where the first hook fastener has an opening through which the electrical wire passes.

Gladura et al (US 5,378,169) disclose (Fig. 5) a snap fastening arrangement comprising a first hook fastener (24, 24) and a second hook fastener (25, 25) where the first hook fastener has an opening (between 24) through which the electrical wire passes.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide U.S. Patent No. 6,605,639 with a snap fastening arrangement, as taught by Gladura. et al , to expedite securing the first and second portions.

Claims 12, 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,605,639 in view of Siemon.

U.S. Patent No. 6,605,639 discloses all of the limitations except for a first hook fastener and s second hook fastener.

Art Unit: 2833

Siemon (US 4,759,723) discloses a first hook fastener and a second hook fastener.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide U.S. Patent No. 6,605,639 with a snap fastening arrangement, as taught by Simeon al , to expedite securing the first and second portions.

Allowable Subject Matter

Claims 2, 13, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter. Specifically, none of the prior art of record discloses the combination of the limitations presented including the the first hook fastener being a snap-clip having two openings with one opening allowing the electrical wire to pass therethrough and the other opening is used to secure the snap-clip to the first body portion.

New corrected drawings are required in this application because the informal drawings filed in this application were acceptable for examination purposes only. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/04/2004

A handwritten signature in cursive script that reads "Alex Gilman".

**ALEXANDER GILMAN
PRIMARY EXAMINER**